

The House Committee on Judiciary Non-civil offers the following substitute to HB 599:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide the juvenile court with concurrent jurisdiction for certain adoption proceedings; to provide for certain procedures relating to adoption proceedings; to amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to revise provisions relating to jurisdiction of adoption proceedings; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by adding a new subsection to Code Section 15-11-28, relating to the jurisdiction and venue of the juvenile court, to read as follows:

*"(f) Concurrent jurisdiction as to adoption proceedings.* The juvenile court shall have concurrent jurisdiction to hear an adoption petition that is first filed in the superior court in accordance with Chapter 8 of Title 19, provided that the juvenile court has previously entered an order pursuant to Code Section 15-11-103 terminating parental rights of one or more of the parents of the child or a deprivation proceeding is pending at the time the adoption petition is filed in the superior court based upon a parent voluntarily signing a surrender of parental rights in support of an adoption plan for such child, and the date set by the superior court for final hearing on such adoption petition is not within 30 days from the date of filing. In cases meeting the requirements of this subsection, the adoption petition previously filed in the superior court may be transferred to the juvenile court or withdrawn and refiled in the juvenile court for a hearing to be held within ten days from the date of transfer or refiling. An adoption petition withdrawn and refiled pursuant to this subsection shall not constitute a ground for invalidation of a decree of adoption granted by the juvenile court."

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**SECTION 2.**

Said chapter is further amended by revising subsection (e) of Code Section 15-11-103, relating to the placement of a child following a termination order, as follows:

"(e) Except in those cases where the child was placed pursuant to paragraph (3) or (5) of subsection (a) of this Code section, ~~if~~ a petition seeking the adoption of the child ~~is not~~ shall be filed within ~~six~~ four months after the date of the disposition order; or final decision of any appeal, unless an adoptive placement has not been approved by the Department of Human Resources or the Department of Human Resources, in its discretion, determined that it is not in the best interest of the child that a petition seeking adoption be filed by that time. ~~the~~ The court shall ~~then, and~~ at least every six months ~~thereafter~~ as long as the child remains unadopted; review the circumstances of the child to determine what efforts have been made to assure that the child will be adopted. The court may then enter such orders as it deems necessary to further the adoption, including but not limited to another placement. In those cases where the child was placed with a guardian of the child's person pursuant to paragraph (3) of subsection (a) of this Code section, the guardian shall report to the court in the same manner and at the same frequency as is required for guardians of the person of minors appointed by the judge of the probate court. In those cases where the child was placed pursuant to paragraph (5) of subsection (a) of this Code section, the court shall, at least every six months thereafter as long as the child remains subject to the jurisdiction of the court, review the circumstances of the child to determine that placement in the family home-like setting continues to be in the child's best interests."

**SECTION 3.**

Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is amended by revising subsection (a) of Code Section 19-8-2, relating to jurisdiction and venue of adoption proceedings, as follows:

"(a) The superior courts of the several counties shall have ~~exclusive~~ jurisdiction in all matters of adoption, except such jurisdiction as may be granted to the juvenile courts by delegation from the superior court or as allowed pursuant to subsection (f) of Code Section 15-11-28."

**SECTION 4.**

Said chapter is further amended by revising the introductory language to subsection (a) of Code Section 19-8-13, relating to petitions for adoption, as follows:

"(a) The petition for adoption, duly verified, together with one conformed copy thereof, ~~must~~ shall be filed with the clerk of the ~~superior~~ court having jurisdiction and shall conform to the following guidelines:"

**SECTION 5.**

Said chapter is further amended by revising subsection (c) of Code Section 19-8-20, relating to adoption certificates, as follows:

"(c) The adoption certificate shall be in substantially the following form:

This is to certify that \_\_\_\_\_ (names of each adopting parent) have obtained a decree of adoption for \_\_\_\_\_ (full name of adopted child) in the ~~Superior~~ \_\_\_\_\_ (level of court) Court of \_\_\_\_\_ County, Georgia, on the \_\_\_\_\_ day of \_\_\_\_\_, as shown by the court's records.

Given under the hand and seal of said court, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk"

**SECTION 6.**

Said chapter is further amended by revising subsection (c) of Code Section 19-8-26, relating to the surrender of parental rights and forms, as follows:

"(c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

**SURRENDER OF RIGHTS****FINAL RELEASE FOR ADOPTION****NOTICE TO PARENT OR GUARDIAN:**

This is an important legal document and by signing it you are surrendering all of your right, title, and claim to the child identified herein, so as to facilitate the child's placement for adoption. You are to receive a copy of this document and as explained below have the right to withdraw your surrender within ten days from the date you sign it.

\_\_\_\_\_  
I, the undersigned, being solicitous that my (male) (female) child, born (insert name of child), on (insert birthdate of child), should receive the benefits and advantages of a good home, to the end that (she) (he) may be fitted for the requirements of life, consent to this surrender.

I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby surrender the child to (insert name, surname not required, of each person to whom surrender is made), PROVIDED each such person is named as petitioner in a petition for adoption of the child filed in accordance with Chapter 8 of Title 19 of the Official Code of Georgia

1 Annotated within 60 days from the date hereof. Furthermore, I promise not to interfere  
2 in the management of the child in any respect whatever; and, in consideration of the  
3 benefits guaranteed by (insert name, surname not required, of each person to whom  
4 surrender is made) in thus providing for the child, I do relinquish all right, title, and claim  
5 to the child herein named, it being my wish, intent, and purpose to relinquish absolutely  
6 all parental control over the child.

7 It is also my wish, intent, and purpose that if each such person is not named as petitioner  
8 in a petition for adoption as provided for above within the 60 day period, other than for  
9 excusable neglect, or, if said petition for adoption is filed within 60 days but the adoption  
10 action is dismissed with prejudice or otherwise concluded without an order declaring the  
11 child to be the adopted child of each such person, then I do hereby surrender the child as  
12 follows:

13 (Mark one of the following as chosen)

14 \_\_\_\_\_ I wish the child returned to me, and I expressly acknowledge that this provision  
15 applies only to the limited circumstance that the child is not adopted by the person or  
16 persons designated herein and further that this provision does not impair the validity,  
17 absolute finality, or totality of this surrender under any circumstance other than the  
18 failure of the designated person or persons to adopt the child and that no other provision  
19 of this surrender impairs the validity, absolute finality, or totality of this surrender once  
20 the revocation period has elapsed; or

21 \_\_\_\_\_ I surrender the child to (insert name of designated licensed child-placing agency),  
22 a licensed child-placing agency, for placement for adoption; or

23 \_\_\_\_\_ I surrender the child to the Department of Human Resources, as provided by  
24 subsection (k) of Code Section 19-8-5, for placement for adoption; and (insert name of  
25 designated licensed child-placing agency) or the Department of Human Resources may  
26 petition the superior court or other court of competent jurisdiction for custody of the  
27 child in accordance with the terms of this surrender.

28 Furthermore, I hereby agree that the child is to be adopted either by each person named  
29 above or by any other such person as may be chosen by the (insert name of designated  
30 licensed child-placing agency) or the Department of Human Resources and I do expressly  
31 waive any other notice or service in any of the legal proceedings for the adoption of the  
32 child.

33 Furthermore, I understand that under Georgia law an agent appointed by the court is  
34 required to conduct an investigation and render a report to the court in connection with  
35 the legal proceeding for the legal adoption of the child and I hereby agree to cooperate  
36 fully with such agent in the conduct of this investigation.

Furthermore, I hereby certify that I have received a copy of this document and that I understand I may only withdraw this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to (insert name and address of agent of each person to whom surrender is made) within ten days from the date hereof; that the ten days shall be counted consecutively beginning with the day immediately following the date hereof; however, if the tenth day falls on a Saturday, Sunday, or legal holiday then the last day on which the surrender may be withdrawn shall be the next day that is not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.

Furthermore, I hereby certify that I have not been subjected to any duress or undue pressure in the execution of this surrender document and do so freely and voluntarily.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ (SEAL)

(Parent or guardian)

\_\_\_\_\_

Unofficial witness

Sworn to and subscribed

before me this \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

Notary public (SEAL)

My commission expires \_\_\_\_\_."

## **SECTION 7.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 8.**

All laws and parts of laws in conflict with this Act are repealed.